

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 04-61
V.	:	DATE FILED: _____
TROY BROADUS	:	VIOLATION: 18 U.S.C. § 922(g)(1)
	:	(felon in possession
	:	of a firearm - 1 count)
	:	Notice of additional factors
	:	Notice of forfeiture

SECOND SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about December 1, 2003, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

TROY BROADUS,

having been convicted in a court of the United States of a crime punishable by imprisonment for
a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm,
that is, a Ruger, .357 caliber revolver, serial number 57283418, loaded with 5 live rounds of
ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. Defendant TROY BROADUS committed the offense charged in Count One of this Second Superseding Indictment after having been convicted as an adult over the age of 18 years, in a court of the Commonwealth of Pennsylvania, of two felony crimes of violence, as defined in U.S.S.G. § 2K2.1(a)(2), Application Note 5, and U.S.S.G. § 4B1.2(a), as follows:

a. Simple assault, a crime of violence punishable by a term of imprisonment exceeding one year, for which he was sentenced on August 8, 1995, in the Philadelphia Court of Common Pleas, **No. MC-9506-2873**.

b. Simple assault, a crime of violence punishable by a term of imprisonment exceeding one year, for which he was sentenced on August 23, 2000, in the Philadelphia Court of Common Pleas, **No. MC-0007-0017**.

2. Defendant TROY BROADUS committed the offense charged in Count One of this Second Superseding Indictment after having been convicted and sentenced as an adult over the age of 18 years for the following offenses:

a. Misprision of a felony - sentenced on November 28, 2001, in the United States District Court for the Middle District of Pennsylvania, No. 2:03-CR262-01, a crime for which he received a sentence of imprisonment exceeding one year and one month, as defined by U.S.S.G. § 4A1.1(a), that is, a sentence of imprisonment of 36 months.

b. Simple assault - sentenced on August 8, 1995, in the Philadelphia Court of Common Pleas, No. MC-9506-2873, a crime for which he received a sentence

of at least sixty days as defined by U.S.S.G. § 4A1.1(b), that is, a sentence of imprisonment of time served to 12 months imprisonment.

c. Simple assault - sentenced on August 23, 2000, Philadelphia Court of Common Pleas, No. MC-0007-0017, a crime for which he received a sentence of less than sixty days as defined by U.S.S.G. § 4A1.1(c), that is, a sentence of 18 months probation.

3. Defendant TROY BROADUS committed the offense charged in Count One of this Second Superseding Indictment while under a criminal justice sentence, that is, supervised release, as defined by U.S.S.G. § 4A1.1(d), following his conviction for misprison of a felony as set forth in paragraph 2.a. above, in that the offense charged in Count One of this Second Superseding Indictment was committed on or about December 1, 2003, and defendant TROY BROADUS was on supervised release from on or about March 4, 2003, through at least on or about March 3, 2004.

4. Defendant TROY BROADUS committed the offense charged in Count One of this Second Superseding Indictment less than two years after release from imprisonment on a sentence of imprisonment exceeding one year and one month, as defined by U.S.S.G. §§ 4A1.1(a) and (e), following his conviction for misprison of a felony as set forth in paragraph 2.a. above, in that the offense charged in Count One of this indictment was committed on or about December 1, 2003, and defendant TROY BROADUS was released from imprisonment on or about March 4, 2003.

NOTICE OF FORFEITURE (18 U.S.C. § 924(d))

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violation of Title 18, United States Code, Section 922(g)(1), set forth in Count One of this Indictment, defendant

TROY BROADUS

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), the firearm and ammunition involved in the commission of this offense, including, but not limited to:

(1) a Ruger, .357 caliber revolver, serial number 57283418, loaded with 5 live rounds of ammunition.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

_____**A TRUE BILL:**

_____**GRAND JURY FOREPERSON**

PATRICK L. MEEHAN
UNITED STATES ATTORNEY__